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Attorneys for Plaintiff and the Proposed Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BEN SMITH, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

FRITO-LAY NORTH AMERICA,
INC.,

Defendant.

Civil Action No.: 3:21-cv-04863-VC

NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO FED.
R. CIV. P. 41(a)(1)(A)(i)

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT
TO FED. R. CIV. P. 41(a)(1)(A)(i)**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Ben Smith, by and
through its undersigned counsel, voluntarily dismisses Defendant Frito-Lay North
America, Inc., from this action without prejudice and with each party bearing its
own costs, expenses and attorneys' fees. This notice of dismissal is being filed with

1 the Court before service by Defendant of either an answer or a motion for
2 summary judgment.

3 **Dated:** August 26, 2021

/s/ Jonathan Shub

Jonathan Shub (CA Bar No. 237708)

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**Pro Hac Vice Application Granted,
Pending or Forthcoming*